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**FEE TRANSMITTAL  
for FY 2001**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$)

**Complete if Known**

Application Number	
Filing Date	October 27, 2000
First Named Inventor	Bramley, et al.
Examiner Name	
Group Art Unit	
Attorney Docket No.	2001796-0006

**METHOD OF PAYMENT**

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
Account  
Number

03-1721

Deposit  
Account  
Name

Choate, Hall &amp; Stewart

☐ Charge Any Additional Fee Required  
Under 37 CFR 1.16 and 1.17☐ Applicant claims small entity status.  
See 37 CFR 1.27

- 2.
- ☒
- Payment Enclosed:

☒ Check ☐ Credit card ☐ Money  
Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	710
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$710.00)

**2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
41	-41 = 0		0
4	-4 = 0		0
Multiple Dependent			0

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$0.00)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

**SUBMITTED BY**

Name (Print/Type)

Brenda Herschbach Jarrell

Registration No.  
(Attorney/Agent)

39, 223

**Complete (if applicable)**

Telephone

617-248-5175

Signature

Date

10/27/00

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

10/27/00  
JC853 U.S. PTO

10/30/00  
CHOATE, HALL & STEWART

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

EXCHANGE PLACE

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A  
JC853 U.S. PTO  
09/698579  
10/27/00

BOX PATENT APPLICATION  
ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, DC 20231

**Express Mail No.: EE441114555US**  
**Attorney Docket No.: 2001796-0006**  
**Date Filed: October 27, 2000**

**UTILITY PATENT APPLICATION TRANSMITTAL**  
(FOR NEW NONPROVISIONAL APPLICATIONS UNDER 37 C.F.R. § 1.53(B))

Dear Sir:

Please find enclosed a patent application and papers as follows for:

**Inventor(s):**

Given Name (first and middle)      Family Name or Surname      Residence (City and State or Foreign Country)

A. John	Bramley	Hinesburg, VT
Karen I.	Plaut	Westford, VT
David	Kerr	Charlotte, VT

**Title of the Invention:** TREATMENT OF STAPHYLOCOCCUS INFECTIONS

**A) APPLICATION ELEMENTS:**

1) ☒ **Fee Transmittal Form** (original and duplicate submitted for fee processing)

2) ☐ **Applicant Claims Small Entity Status** (see 37 CFR 1.27)

a) ☐ **Statement Verifying Small Entity Status** (optional)

EXPRESS MAIL NO. EE441114555US  
DATE FILED: OCTOBER 27, 2000

3)  X  **Specification**

TOTAL PAGES:  41

- Descriptive Title of the Invention
- Cross References to Related Applications
- Background of the Invention
- Summary of the Invention
- Description of the Drawing (if filed)
- Description of the Sequence Listing
- Definitions
- Detailed Description of Certain Preferred Embodiments of the Invention
- Examples
- Other Embodiments
- Claim(s)
- Abstract of the Invention

4)  X  **Drawing(s)** (35 U.S.C. § 113)

TOTAL SHEETS:  29

- a)  X  Formal Drawings (if checked)

5)  X  **Oath or Declaration**

TOTAL PAGES:  9

- a)     Newly Executed (original or copy)
- b)  X  Copy from a prior application (37 C.F.R. § 1.63(d))-for continuation/divisional application
- i)      DELETION OF INVENTOR(S) : Signed Statement deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).
- c)     Unexecuted

6)     **Application Data Sheet.** See 37 CFR §1.76.

7)     **CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)**

8)  X  **Nucleotide and/or Amino Acid Sequence Submission** (if applicable, all are necessary)

- a)  X  Computer Readable Form (CRF)
- b)  X  Specification Sequence Listing on:
- i)     CD-ROM or CR-R (2 copies); or
- ii)  X  Paper

- c)  X  Statement verifying identity of above copies
- d)  X  Amendment introducing Sequence Listing into specification.

B) ACCOMPANYING APPLICATION PARTS:

- 9)  X  **Assignment Papers** (copies of assignments in parent application, included with 37 CFR §3.73(b) statement)
- 10)  X  **37 C.F.R. § 3.73(b) Statement** (copy from parent application)
- 11)  X  **Appointment of Attorney** (copy from parent application)
- 12)       **English Translation Document** (if applicable)
- 13)  X  **Information Disclosure Statement (IDS)/PTO-1449**
- 14)       **Copies of IDS Citations**
- 15)       **Preliminary Amendment**
- 16)  X  **Return Receipt Postcard (MPEP 503)** (specifically itemized)
- 17)       **Certified Copy of Priority Document(s)** (if foreign priority is claimed)
- 18)       **OTHER:** (if applicable, specified below)

C) FOR CONTINUING APPLICATIONS: (the appropriate box is checked, and certain information is provided below)

     CONTINUATION                       X  DIVISIONAL                            CONTINUATION-IN-PART (CIP)

OF PRIOR APPLICATION NO:  09/337,079

FILED:  JUNE 21, 1999

EXAMINER:  WOITACH

GROUP/ART UNIT:  1633

**FOR CONTINUATION OR DIVISIONAL APPLICATIONS ONLY:** The entire disclosure of the prior application, from which an oath or declaration is supplied as detailed above,

is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference.

D) METHOD OF PAYMENT OF FILING FEES FOR THIS APPLICATION:

- ☐ Applicant claims small entity status 37 CFR §1.27
- ☒ A check is enclosed to cover the filing fees as determined on the fee transmittal enclosed herewith
- ☒ The commissioner is hereby authorized to charge filing fees or credit any overpayment to deposit account number 03-1721.

Total filing fee amount \$ 710.00

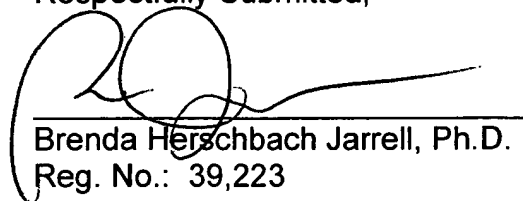
E) CORRESPONDENCE ADDRESS:

☐ Customer Bar Code Label: \_\_\_\_\_

☐ Correspondence Address:

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Choate, Hall & Stewart  
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email: BHJ@choate.com  
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Respectfully Submitted,

  
Brenda Herschbach Jarrell, Ph.D.  
Reg. No.: 39,223

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Exchange Place  
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Date: October 27, 2000

EXPRESS MAIL NO. EE441114555US  
DATE FILED: OCTOBER 27, 2000

ATTORNEY DOCKET NO.: 2001796-0006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Bramley, et al.

Examiner:

Serial No.:

Art Unit:

Filing Date: October 27, 2000

Title: TREATMENT OF STAPHYLOCOCCUS INFECTIONS

#3  
HP  
3-5-01  
JC853 U.S. PTO  
09/698579  
10/27/00

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**STATEMENT FILED PURSUANT TO THE DUTY OF DISCLOSURE**  
**UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98,  
Applicant respectfully requests consideration of this Information Disclosure Statement.

**PART I: Compliance with 37 C.F.R. §1.97**

(Select A, B or C below)

A. ☒ This Information Disclosure Statement has been filed:

(check 1, 2 and/or 3 below)

1. ☐ within three months of the filing date of the above identified U.S. Patent application;
2. ☐ within three months of the filing date of the entry of the National Stage, as set forth in 37 C.F.R. §1.491, in an International application; and/or
3. ☒ before the mailing date of the first Office Action on the merits in the above-identified application.

No fee or certification is required.

B. ☐ This Information Disclosure Statement has been filed more than three months after the filing date of the present application and after the mailing date of this first Office Action, but before the mailing date of either a final

action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311.

(check 1 or 2 below)

1. ☐ The fee of \$240 as set forth in 37 C.F.R. §1.17(p) is enclosed; or
2. ☐ Applicant hereby certifies, as specified in 37 C.F.R. §1.97(e), that  
(check a or b below)

a. ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement; or

b. ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement.

c. ☐ items indicated by an asterisk were identified in a recent review of related files.

- C. ☐ This Information Disclosure Statement has been filed after the mailing date of either a Final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311 and before payment of an Issue Fee.

(check 1, 2, and 3 below)

1. ☐ The Applicant hereby certifies, as specified in 37 C.F.R. §1.97(e), that:

(check a or b below)

a. ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a

foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement.

- b. ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement.

2. ☐ A Petition requesting consideration of the Information Disclosure Statement is attached.
3. ☐ The Petition Fee of \$130 as set forth in 37 C.F.R. §1.17(i)(1) is enclosed.

#### PART II - Information Cited

- A. ☒ The Applicant hereby makes of record in the above-identified application the reference(s) listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.
- B. ☐ The Applicant hereby makes the following additional information of record in the above-identified application:

#### PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

- A. ☐ The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):
- B. ☐ The following are remarks concerning the other information cited:



A. ☒ Copies of references  
(check 1 or 2 below)

- B. ☒ It is respectfully requested that:  
(check 1, 2, and 3 below)

- C. [X] By submitting this Information Disclosure Statement, Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more material information may not exist.

- 4 of 5


considered to be, material to patentability as defined in 37 C.F.R.  
§1.56(b).

- E. [X] By submitting this Information Disclosure Statement, Applicants make no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.
- F. [X] Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited reference(s).

An early and favorable action is hereby requested.

Please charge any additional fees or credit any overpayments to our Deposit Account No. 03-1721.

Respectfully submitted,



Brenda Herschbach Jarrell, Ph.D.  
Registration Number 39,223

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Exchange Place  
53 State Street  
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Dated: October 27, 2000